

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2017 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/13	2/10	3/10	4/14	5/12	6/9	7/14	8/11	9/8	10/13	11/10	12/8
Publishing Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/24	12/22

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

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Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

SUBSCRIPTIONS

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4735			Chapter Revisions	1/15/18	Workers' Compensation Commission
4678			Investigation Procedures	1/18/18	South Carolina Human Affairs Commission
4665			Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	1/19/18	Department of Revenue
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4729			Determination of Rates of Tuition and Fees	Tolled	Commission on Higher Education

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In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
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DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4735	Chapter Revisions	Regulations and Admin. Procedures	Judiciary
4678	Investigation Procedures	Regulations and Admin. Procedures	Judiciary
4665	Examples of the Application of Tax to Various Charges Imposed by Hotels, Motels, and Other Facilities	Regulations and Admin. Procedures	Finance
4746	Articles 4, 5, 7 and 8 of Chapter 126	Regulations and Admin. Procedures	Medical Affairs
4740	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries		
4732	Method of Operations; Application of Federal Truth in Lending Act; Other Cases - Summary Procedure; Delinquent Notification Filing and Fee Payment; and Filing and Posting Maximum Rate Schedules		
Committee Request Withdrawal			
4729	Determination of Rates of Tuition and Fees	Regulations and Admin. Procedures	Education

Executive Order No. 2017-10

WHEREAS, there presently exists a vacancy in the office of the Auditor of Williamsburg County due to the resignation of Sally M. Mouzon, which became effective April 30, 2017; and

WHEREAS, in the event of a vacancy in the office of a county auditor, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county auditor pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, Crystal A. Powell, residing at 49 Dennis Avenue, Kingstree, South Carolina 29556, is a fit and proper person to serve as the Auditor of Williamsburg County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Crystal A. Powell to serve as Auditor of Williamsburg County, effective immediately, until the next general election and until her successor shall qualify as provided by law.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS SECOND DAY OF MAY, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-11

WHEREAS, the State of South Carolina is vulnerable to a wide range of emergencies, including natural and technological disasters caused by weapons of mass destruction, all of which threaten the life, health, and safety of its people; damage and destroy property; disrupt services and everyday business and recreational activities; and impede economic growth and development; and

WHEREAS, this vulnerability is exacerbated by the state's growing population, especially the growth in the number of persons residing in coastal areas, in the elderly population, in the number of seasonal vacationers, and the number of persons with special needs; and

WHEREAS, the state must take all prudent action to reduce the vulnerability of the people and property of this state; to prepare for the efficient evacuation and shelter of threatened or affected persons; to provide for the rapid and orderly provision of relief to persons and for the restoration of services and property; and to provide for the coordination of activities relating to emergency preparedness, response, recovery, and mitigation among and between agencies and officials of this state, with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with the private sector; and

WHEREAS, the Governor is responsible for the development and coordination of a system of Comprehensive Emergency Management pursuant to the South Carolina Code of Laws, Section 25-1-440 (b) and the South Carolina Emergency Management Division, Office of the Adjutant General, as established by Section 25-1-420, is responsible for coordinating the efforts of all state, county and municipal agencies and departments in developing a State Emergency Plan and maintaining a State Emergency Operations Center; and

WHEREAS, the South Carolina Emergency Operations Plan, dated April 07, 2017, developed pursuant to the requirement of Section 25-1-420 (a), has been reviewed and approved in accordance with the South Carolina Code of Regulations, 58-101,B., as establishing the policies and procedures to be followed by South Carolina Government in executing all emergency or disaster operations.

4 EXECUTIVE ORDERS

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order:

Section 1. That each department or agency of the State shall be responsible for emergency services as assigned in the South Carolina Emergency Operations Plan.

Section 2. That each department or agency assigned a primary responsibility in the Plan shall maintain, as directed by the Emergency Management Division, comprehensive standard operating procedures for executing its assigned emergency services. Each department or agency assigned a support responsibility shall assist the primary department or agency in maintenance of these procedures.

Section 3. That each department or agency assigned a primary or support responsibility in the Plan shall participate in scheduled exercises of the South Carolina Emergency Management Division and shall conduct training of personnel essential to the implementation of all assigned emergency functions.

Section 4. That all departments or agencies shall execute, without delay, the emergency functions so designated in the Plan or further ordered by me during any emergency or disaster through the initial use of existing agency appropriations and all necessary agency personnel, regardless of normal duty assignment.

This order shall take effect immediately. Executive Order 2015-14 is hereby rescinded.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 23rd DAY OF MAY, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-12

WHEREAS, on June 27, 2017, the Spartanburg County Board of Voter Registration and Elections (“County Board of Elections”) held a special referendum election (“Referendum”) for the Pelham–Batesville Fire District (“Fire District”) within those areas of Spartanburg County that comprise a portion of the Fire District; and

WHEREAS, on July 10, 2017, the Spartanburg County Board of Canvassers (“County Board of Canvassers”) conducted a hearing to consider and decide a protest filed by the Fire District challenging votes cast in connection with the Referendum due to voting irregularities; and

WHEREAS, on July 11, 2017, the Chairman of the County Board of Canvassers advised the undersigned of its finding that the Fire District presented evidence of voting irregularities and discrepancies that rendered doubtful the result of the Referendum and its resultant decision to uphold the protest and declare that the result of the Referendum is void; and

WHEREAS, the time period prescribed by section 7-17-60 of the South Carolina Code of Laws, as amended, for appealing the decision of the County Board of Canvassers has expired, and the County Board of Elections has requested that the undersigned order a new special referendum election be held on September 19, 2017; and

WHEREAS, section 7-13-1170 of the South Carolina Code of Laws, as amended, provides: “[w]hen any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result.”

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby Order that a new special referendum election be held on September 19, 2017, and designate and appoint the County Board of Elections to perform the necessary official duties pertaining to the new special referendum election, in accordance with the applicable constitutional and statutory provisions/requirements, and to declare the result thereof. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF JULY, 2017.**

HENRY MCMASTER
Governor

Executive Order No. 2017-13

WHEREAS, a declaration of emergency exists in the State of North Carolina due to a major power outage impacting the Outer Banks islands of Hatteras and Ocracoke, threatening the public welfare and causing a need for the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, equipment, goods, services, medical supplies to residential and commercial establishments, and other items needing to be moved on the highways of North Carolina; and

WHEREAS, the Governor of the State of North Carolina declared a State of Emergency on July 27, 2017, to ensure the prompt restoration of utility services to citizens as this is essential to their safety; and

WHEREAS, the Governor of the State of North Carolina suspended federal law limiting the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above pursuant to 49 C.F.R. § 390 *et seq.* and establishing certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles responding to an emergency if the Governor declares a State of Emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23; and

WHEREAS, whenever a state of emergency is declared in North Carolina that triggers relief under 49 C.F.R. § 390.23, an emergency must be declared in this State pursuant to Section 56-5-70(B) of the South Carolina Code of Laws.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby determine that an emergency exists in the State of South Carolina for the limited purpose of complying with the declaration of emergency in the State of North Carolina.

6 EXECUTIVE ORDERS

Accordingly, I direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements, in conjunction with S.C. Code Ann. § 56-5-4010 *et seq.*, which establishes size, weight, and load requirements for South Carolina highways, as set forth below to ensure the uninterrupted supply of electricity, fuel oil, diesel oil, gasoline, kerosene, propane, liquid petroleum gas, food, water, equipment, goods, services, medical supplies to residential and commercial establishments, and any other items needing to be moved to comply with this Order.

IT IS FURTHER ORDERED that:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating it is responding to this emergency.

(d) Any dimensions and/or weight of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags and escorts as required in the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

FURTHER, this emergency justifies an extension of the suspension of 49 C.F.R. Part 395 (drivers' hours of service). Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

This Order shall take effect immediately and shall expire when the emergency declaration in North Carolina is ended, or in thirty (30) days, whichever comes first.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 28th DAY OF JULY, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-14

WHEREAS, there presently exists a vacancy in the office of Judge of Probate for Edgefield County due to the resignation of Robert E. Peeler, effective August 4, 2017; and

WHEREAS, in the event of a vacancy in the office of a county judge of probate, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as judge of probate pursuant to sections 1-3-220(2), 4-11-20(1), and 14-23-50 of the South Carolina Code of Laws, as amended; and

WHEREAS, Gregory W. Anderson, Esquire, residing at 328 Wigfall Street, Edgefield, South Carolina 29824, is a fit and proper person to serve as Judge of Probate for Edgefield County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Gregory W. Anderson, Esquire to serve as Judge of Probate for Edgefield County, effective immediately, until the next general election and until his successor shall qualify as provided by law.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 4th DAY OF AUGUST, 2017.

HENRY MCMASTER
Governor

Executive Order No. 2017-15

WHEREAS, the State of South Carolina has a strong culture and longstanding tradition of protecting and defending the life and liberty of the unborn; and

WHEREAS, the General Assembly has expressed, in section 43-5-1185 of the South Carolina Code of Laws, as amended, that “State funds appropriated for family planning must not be used to pay for an abortion”; and

WHEREAS, on June 5, 2017, the undersigned requested that the South Carolina Board of Health and Environmental Control (“DHEC Board”) “publicly reaffirm” the South Carolina Department of Health and Environmental Control’s (“DHEC”) “policy prohibiting the distribution of Title X grant funding to any local health care provider that performs abortion services”; and

WHEREAS, on July 12, 2017, in response to the undersigned’s June 5, 2017 letter, the chairman of the DHEC Board confirmed that “no abortion services or activities are provided or paid for by the Department” and that “the Department will continue its practice of not providing Title X grant funding to abortion clinics”; and

WHEREAS, abortion providers often focus primarily on abortion-related services and procedures; however, abortion providers may be subsidized by State or local funds intended for other women’s health or family planning services, whether such non-abortion services are rendered directly by abortion providers or by affiliated physicians or professional medical practices; and

WHEREAS, a variety of governmental agencies and non-governmental entities offer important women’s health and family planning services without resulting in the State directly or indirectly subsidizing abortion providers; and

WHEREAS, for the foregoing reasons, the State of South Carolina need not contract with abortion clinics, as defined by section 44-41-75 of the South Carolina Code of Laws, as amended, or any of coincident or affiliated physicians or professional medical practices, via the Medicaid program or provider network, in order to ensure the health and well-being of the people of South Carolina or to secure appropriate access to women’s health and non-abortion family planning services.

8 EXECUTIVE ORDERS

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby direct all State agencies to take any and all necessary actions, as detailed herein and to the extent permitted by law, to cease providing State or local funds, whether via grant, contract, state-administered federal funds, or any other form, to any physician or professional medical practice affiliated with an abortion clinic and operating concurrently with and in the same physical, geographic location or footprint as an abortion clinic.

FURTHER, I hereby Order that the Executive Budget Office (“EBO”) shall: (1) prepare, maintain, and make available on its website a comprehensive list of physicians or professional medical practices affiliated with an abortion clinic and operating concurrently with and in the same physical, geographic location or footprint as an abortion clinic; (2) conduct and make available on its website an annual audit or survey, the form of which shall be determined by EBO, of State agencies identifying or listing by agency and provider, any and all State or local funds, whether via grant, contract, state-administered federal funds, or any other form, provided to any physician or professional medical practice affiliated with an abortion clinic and operating concurrently with and in the same physical, geographic location or footprint as an abortion clinic.

FURTHER, I hereby direct the South Carolina Department of Health and Human Services (“DHHS”) to take all necessary actions, to the extent permitted by law, to seek from the Centers for Medicare and Medicaid Services any and all appropriate waivers that may be required to comply with the provisions of this Order, including but not limited to all necessary actions, to the extent permitted by law, to exclude abortion clinics from the State of South Carolina’s Medicaid provider network.

FURTHER, to ensure that the people of South Carolina are informed of and have appropriate access to women’s health and family planning services, I hereby direct DHHS to coordinate with DHEC to prepare, produce, and make publicly available a user-friendly list of all qualified women’s health and family planning providers operating within a twenty-five (25) mile radius of any abortion clinic identified as set forth herein and excluded from the State of South Carolina’s Medicaid provider network.

This Order applies to all Cabinet agencies and all boards and commissions that are part of, comprised within, or under the jurisdiction of a Cabinet agency, including but not limited to DHHS and EBO. It is further advised that executive agencies not in the undersigned’s Cabinet or otherwise subject to the undersigned’s direct authority shall likewise act in accordance with this Order and the foregoing directives. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 24th DAY OF AUGUST, 2017.**

HENRY MCMASTER
Governor

Executive Order No. 2017-16

WHEREAS, Michael Andrew Singleton, a member of the Town Council of the Town of Norway, has been indicted by a Grand Jury convened in Orangeburg County for Arrest/Interference, Hindering Officers Serving Warrant or Rescuing Prisoners, in violation of section 16-5-50 of the South Carolina Code of Laws; and

WHEREAS, Michael Andrew Singleton, as a member of the Town Council of the Town of Norway, is an officer of the State or its political subdivisions; and

WHEREAS, Article VI, Section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted”; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself,” *State v. Horton*, 271 S.C. 413, 414, 248 S.E.2d 263, 263 (1978), and “involves an act of baseness, vileness, or depravity in the social duties which a man owes to his fellow man or society in general, contrary to the accepted and customary rule of right and duty between man and man,” *State v. Major*, 301 S.C. 181, 186, 391 S.E.2d 235, 238 (1990); and

WHEREAS, as charged in the Indictment, Arrest/Interference, Hindering Officers Serving Warrant or Rescuing Prisoners is “a crime involving moral turpitude”; and

WHEREAS, as Governor of the State of South Carolina, I am mindful of the duties and responsibilities vested in me by the Constitution and Laws of this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby Order that Michael Andrew Singleton shall be and hereby is suspended from his office as a member of the Town Council of the Town of Norway until such time as the above-referenced charge is resolved, at which time further appropriate action will be taken by the undersigned. This action in no manner addresses the guilt or innocence of Michael Andrew Singleton and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 24th DAY OF AUGUST, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-17

WHEREAS, Texas has been impacted by Hurricane Harvey, resulting in disaster, severe flooding, storm surge, and damaging winds, and Texas Governor Greg Abbott has issued a proclamation declaring a disaster in several counties of Texas on August 23, 2017, and adding additional counties on August 26, 27, and 28, 2017; and

WHEREAS, Texas has requested assistance from South Carolina under the terms of the Emergency Management Assistance Compact, as provided in section 25-9-420 of the South Carolina Code of Laws; and

WHEREAS, the South Carolina National Guard is prepared to provide the personnel and equipment necessary to assist the impacted areas and specifically to fulfill a request to assist in search and rescue in response to this disaster.

10 EXECUTIVE ORDERS

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby direct the Adjutant General to place on state duty and utilize the South Carolina National Guard personnel and equipment requested through the Emergency Management Division and in consultation with the Governor's Office, to fulfill the mission in support of the State of Texas. National Guard personnel and equipment deployment and mission requirements should be coordinated through the Emergency Management Division in accordance with the Emergency Management Assistance Compact. This Order shall take effect immediately and shall expire when the emergency situation in Texas is ended, or in thirty (30) days, whichever comes first.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 29th DAY OF AUGUST, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-18

WHEREAS, on August 30, 2017, the Governor of the State of Georgia declared a state of emergency due to the catastrophic impact of Hurricane Harvey on the State of Texas and the resulting impact, or potential impact, on the supply and distribution of fuel and petroleum products in the State of Georgia and other southeastern states; and

WHEREAS, the uninterrupted supply, distribution, and delivery of petroleum products and other fuels is an essential need of the public and any actual, potential, or perceived shortage thereof threatens the public welfare; and

WHEREAS, the Federal Motor Carrier Safety regulations, 49 C.F.R. § 390 *et seq.*, limit the hours operators of commercial vehicles may drive; and

WHEREAS, pursuant to 49 C.F.R. § 390.23, the Governor of the State of Georgia has suspended the application of federal rules and regulations limiting the hours operators of commercial motor vehicles may drive to ensure the uninterrupted supply of petroleum products throughout the State of Georgia; and

WHEREAS, whenever a state of emergency is declared in the State of Georgia that triggers relief under 49 C.F.R. § 390.23, an emergency must be declared in this State pursuant to section 56-5-70(B) of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby determine that an emergency exists in the State of South Carolina for the limited purpose of complying with the state of emergency in the State of Georgia. Accordingly, I hereby direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police, as needed, to suspend application and enforcement of the federal rules and regulations that limit the hours operators of commercial vehicles may drive to ensure the uninterrupted supply of petroleum products and other fuels needing to be moved to comply with this Order.

This Order shall take effect immediately and shall expire when the state of emergency in the State of Georgia is terminated or in thirty (30) days, whichever is less, in accordance with section 56-5-70(C) of the South Carolina Code of Laws. Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383, the financial requirements in 49 C.F.R. § 387, or applicable federal size and weight limitations.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 31st DAY OF AUGUST, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-19

WHEREAS, due to the catastrophic impact of Hurricane Harvey on the State of Texas and the resulting impact, or potential impact, on the supply and distribution of petroleum products in the surrounding and other southeastern states, there exists an emergent need in the State of South Carolina and other neighboring states to ensure the uninterrupted supply, distribution, and delivery of petroleum products and other fuels to preserve the health, safety, and welfare of the public; and

WHEREAS, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above pursuant to 49 C.F.R. Part 395 and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127, in conjunction with sections 56-5-4010 *et seq.* of the South Carolina Code of Laws, which establishes size, weight, and load requirements for South Carolina highways; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles in connection with an emergency if the Governor declares a state of emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23, and section 56-5-70(A) of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that an emergency exists to suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as set forth below to ensure the uninterrupted supply, distribution, and delivery of petroleum products and other fuels, as well as the efficient use of gasoline for delivery of any item. Accordingly, I hereby direct the South Carolina Department of Transportation, the South Carolina Department of Public Safety, and the State Transport Police to suspend application and enforcement of the applicable federal rules and regulations as necessary to comply with this Order.

IT IS FURTHER ORDERED that:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates maximum dimensions of 12' wide, 13'6" high and weights of 90,000 pounds.

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating that such vehicles are responding to the emergency as set forth herein.

12 EXECUTIVE ORDERS

(d) Any vehicles that exceed the dimensions and/or weight above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, interested parties may call (803) 737-6769 during regular business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by South Carolina law relating to oversize/overweight loads operating on South Carolina roadways.

FURTHER, this emergency justifies an extension of the suspension of 49 C.F.R. Part 395 (drivers' hours of service). Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

This Order shall take effect immediately as to those provisions affecting registration, permitting, length, width, weight, and load requirements. Provisions of this Order affecting hours of service requirements shall take effect immediately upon the expiration of Executive Order No. 2017-18. This Order shall expire in thirty (30) days, unless otherwise amended.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 31st DAY OF AUGUST, 2017.**

HENRY MCMASTER
Governor

Executive Order No. 2017-20

WHEREAS, the National Hurricane Center has determined from forecast models that the State of South Carolina may be impacted by Hurricane Irma, which is currently a category 5 hurricane; and

WHEREAS, I have been advised that Hurricane Irma, and the associated wind, heavy rain, flash flooding, and severe weather, to include tornadoes, may pose a significant threat to the State of South Carolina and requires that the State take timely precautions to protect property, critical infrastructure, communities, and the general safety and welfare of the people of this State.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, effective at noon, September 6, 2017, I hereby declare that a State of Emergency exists in South Carolina. I direct that the South Carolina Emergency Operations Plan be placed into effect. I direct that all prudent preparations be taken at the individual, local, and state levels to protect against the possible effects of Hurricane Irma.

FURTHER, I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty pursuant to my authority under section 25-1-1840 of the South Carolina Code of Laws, and I will do so by directing the Adjutant General to issue supplemental orders. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, in coordination with the Director of the South Carolina Emergency Management Division, to take necessary and prudent actions to assist the citizens of this State.

I also order Dual Status Command to allow the Adjutant General or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status) as necessary.

IT IS FURTHER ORDERED that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina be suspended, and the South Carolina Law Enforcement Division (“SLED”) shall initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED. I also note that the prohibitions against price gouging stated in section 39-5-145 of the South Carolina Code of Laws are in effect due to the State of Emergency.

This Order shall take effect immediately. Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period. This State of Emergency shall remain in effect until rescinded or otherwise amended.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS SIXTH DAY OF SEPTEMBER, 2017.**

**HENRY MCMASTER
Governor**

Executive Order No. 2017-21

WHEREAS, a State of Emergency exists in South Carolina due to Hurricane Irma and the threat of heavy rainfall and flooding, which is forecast to occur throughout the state, making it necessary to expedite the movement of vehicles and loads that are transporting and distributing emergency equipment, materials, services, supplies, food, fuel, petroleum products, timber, wood chips, debris, and other items needed to assist in an emergency and remain operational; and

WHEREAS, by Executive Order Number 2017-20 a State of Emergency has been declared; and

WHEREAS, federal law limits the hours operators of commercial motor vehicles may drive vehicles transporting materials as stated above pursuant to 49 C.F.R. § 390 *et seq.*, limit and establishes certain weight limitations for vehicles on interstate highways pursuant to 23 U.S.C. § 127 in conjunction with S.C. Code § 56-5-4010 *et seq.*, which establishes size, weight, and load requirements for South Carolina highways; and

WHEREAS, the Governor of a State may suspend certain requirements relating to registration, permitting, length, width, weight, load, and time of service for commercial vehicles responding to an emergency if the Governor declares a State of Emergency pursuant to 23 U.S.C. § 127, 49 C.F.R. § 390.23, and S.C. Code § 56-5-70(A).

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend the federal rules and regulations that restrict certain registration, permitting, length, width, weight, load, and hours of service requirements as set forth below, further directing the South Carolina Department of Transportation and the South Carolina Department of Public Safety, and the State Transport Police as needed, to comply with this Order.

IT IS FURTHER ORDERED that:

(a) Weight, height, length, and width for any such vehicle on roadways maintained by the State of South Carolina shall not exceed for continuous travel on all non-interstates maximum dimensions of 12’ wide, 13’6” high and weights of 90,000 pounds.

14 EXECUTIVE ORDERS

(b) Posted bridges may not be crossed.

(c) All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall provide appropriate documentation indicating it is responding to this emergency.

(d) Any dimensions and/or weight of vehicles that exceed the above must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after regular business hours.

(e) Transporters are responsible for ensuring they have oversize signs, markings, flags and escorts as required in the South Carolina Code of Laws relating to oversize/overweight loads operating on South Carolina roadways.

FURTHER, this emergency justifies an extension of the suspension of 49 C.F.R. Part 395 (drivers' hour of service). Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 C.F.R. § 383 or the financial requirements in 49 C.F.R. § 387.

FURTHER, unless the State of Emergency ends and this Executive Order, Number 2017-21, is rescinded with advanced notice, these waivers shall stay in effect as follows: (1) provisions of this Order affecting hours of service requirements shall take effect immediately and be in effect for 30 days, expiring midnight on October 6, 2017; (2) provisions of this Order affecting registration, permitting, length, width, weight, and load requirements shall be in effect for 120 days, expiring midnight of January 4, 2018.

This Order takes effect on September 6, 2017, at 8:00 PM. Provisions authorized under prior Executive Orders 2017-18 and 2017-19 regarding the transportation of fuel related to Hurricane Harvey and issued due to the emergency declared in the State of Georgia shall stay in place and are not affected by Executive Order 2017-21.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 6th DAY OF SEPTEMBER, 2017.**

HENRY MCMASTER
Governor

Executive Order No. 2017-22

WHEREAS, the National Hurricane Center has determined that the State of South Carolina may be vulnerable to the effects of Hurricane Irma, currently a category 5 storm in the Caribbean, and that it poses a significant threat to South Carolina; and

WHEREAS, I have been advised that Hurricane Irma may bring heavy rain, flash flooding and severe weather to include tornadoes that may represent a threat to the safety, security, welfare and property of citizens and transients living in South Carolina; and

WHEREAS, I declared a State of Emergency exists in South Carolina as of September 6, 2017, at 12:00 noon, pursuant to Executive Order No. 2017-20; and

WHEREAS, heavy rain and flash flooding from Hurricane Irma pose a risk of overtopping erosion or destruction of dams or reservoirs that are capable of danger to life or property, as seen in the destruction of Hurricane Joaquin in 2015 and Hurricane Matthew in 2016; and

WHEREAS, I am authorized to order and direct any person or group of persons to do any act which I believe may prevent or minimize danger to life, limb or property pursuant to section 1-3-430 of the South Carolina Code of Laws.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I do hereby order all dam and reservoir “Owners,” as defined in section 49-11-120(9) of the South Carolina Code of Laws, to evaluate the water level in their impoundment to determine if water levels can be safely lowered to accommodate incoming flows, and coordinate releases of water with dam owners and/or property owners downstream as necessary to prevent dam and reservoir failure in the event of heavy rainfall and flooding that is imminent in the wake of Hurricane Irma.

Further, I hereby order the Department of Health and Environmental Control (DHEC) to post a copy of Executive Order No. 2017-22 on its website and email a copy to all dam and reservoir owners of record who have provided such contact information to the agency. DHEC should attempt contact with Owners it has currently placed under an Emergency Order pursuant to its ongoing statewide assessments. Additionally, DHEC should take any and all further remedial measures it deems necessary pursuant to the South Carolina Dams and Reservoirs Act, section 49-11-110, *et seq.* This includes DHEC utilizing its authority to enter and immediately take action necessary to reduce water held in dams and reservoirs in order to provide protection to life or property.

This Order is effective immediately. Further Proclamations and Orders deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 7th DAY OF SEPTEMBER, 2017.

HENRY MCMASTER
Governor

Executive Order No. 2017-23

WHEREAS, the National Hurricane Center advises that Hurricane Irma, currently a category 5, moving northwest will likely affect or strike the coast of South Carolina; and

WHEREAS, the force of Hurricane Irma represents an imminent threat to the safety, security, and welfare of the residents and patients of coastal healthcare facilities; and

WHEREAS, I am authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, Revised 2007, as amended, as the elected Chief Executive of the State to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery;” and

WHEREAS, I have declared a State of Emergency in South Carolina pursuant to Executive Order 2017-20; and

WHEREAS, I have determined that evacuation of healthcare facilities is necessary for the preservation of life in and surrounding the threatened area.

16 EXECUTIVE ORDERS

NOW THEREFORE, by virtue of the power and authority vested in me as the Governor pursuant to the Constitution and Laws of South Carolina, effective 2 PM, September 7, 2017, I do hereby order a mandatory evacuation of all healthcare facilities, licensed by the Department of Health and Environmental Control (“Department”) and located in the designated evacuation zones in the following counties:

County	Evacuation Zone
Beaufort	Zone All
Charleston	Zone A,B,C
Dorchester	Zone B,D,E,F
Berkeley	Zone B,G
Colleton	Zone A,B
Jasper	Zone A,B
Georgetown	Zone A,B
Horry	Zone A,B

For purposes of this Order, healthcare facilities include acute care hospitals, renal dialysis facilities, psychiatric hospitals, alcohol and substance abuse hospitals, rehabilitation hospitals, nursing homes, community residential care facilities (also called assisted living facilities), ambulatory surgical facilities, hospice facilities, radiation therapy facilities, abortion facilities, day care facilities for adults, residential treatment facilities for children and adolescents, intermediate care facilities for persons with intellectual disability, narcotic treatment programs, inpatient facilities that treat individuals for psychoactive substance abuse or dependence, and birthing centers.

Effective at 2 PM today, September 7, 2017, all healthcare facilities in the evacuation zones are hereby ordered to immediately reduce their census of patients, stop admission of any non-emergent patients, stop scheduling any patients for elective procedures, and cancel any elective procedures which have been previously scheduled.

S.C. Regs. 61-16, Section 901, allows hospitals to seek exemptions from the Department to shelter in place pursuant to the Department's Critical Data Sheet (CDS) Information system and other supporting information.

Patients may be allowed to remain in the hospital and shelter-in-place if:

(1) A physician has reviewed the status of each patient and discharged all patients who could reasonably be discharged without jeopardizing the patient's safety. This includes consideration of the risk to the patient's health or life by moving him/her versus the risk of the patient's remaining in the hospital during the emergency. The hospital must provide the Department a contact person (name, e-mail, telephone numbers) who will provide confirmation that the hospital is in compliance with all aspects of this order; and

(2) The hospital has a plan and ensures there will be sufficient and appropriate staff on duty in the hospital at all times during the sheltering-in-place, and the staff are capable of supporting the patient and his/her parent, guardian, spouse or representative who may stay with the patient; and

(3) The hospital has a plan and ensures there is sufficient food, water, medications, equipment and other logistical support internal to the hospital to maintain every person within the hospital for ninety-six (96) hours post impact of the hurricane.

Any persons, non-Emergency Management personnel, medical personnel or administrative personnel who remain in the evacuation zones, and any hospital administrators who allow persons in their charge to remain in the evacuation zones, thereby become responsible for their own safety and well-being and for the safety and well-being of those under their charge. All are charged with the knowledge that should they need the assistance of emergency personnel or services, those personnel or services may not be available or capable of coming to their aid.

Further proclamations and directives deemed necessary to ensure the fullest protection of life and property during this State of Emergency shall be issued orally by me and thereafter reduced to writing within the succeeding 24-hour period. Executive Order 2017-23 shall remain in effect until rescinded or otherwise amended.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 7th DAY OF SEPTEMBER, 2017.**

**HENRY MCMASTER
Governor**

18 NOTICES

STATE BOARD OF EDUCATION

NOTICE OF GENERAL PUBLIC INTEREST

The South Carolina Board of Education (SBE) submitted a drafting notice to amend Regulation 43-57.2, Teaching Experience Acceptable for Credit, which was published in the *State Register*, Volume 41, Issue 6, on June 23, 2017.

The SBE has withdrawn this regulation.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication September 22, 2017 for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, SC 29201 at (803) 545-3495.

Affecting Beaufort County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Beaufort County at a total project cost of \$29,000.

Affecting Berkeley County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Berkeley County at a total project cost of \$29,000.

Affecting Charleston County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Charleston County at a total project cost of \$36,500.

Affecting Clarendon County

Well Care Home Health of the Midlands, Inc.

Establishment of a Home Health Agency in Clarendon County at a total project cost of \$29,000.

Affecting Colleton County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Colleton County at a total project cost of \$29,000.

Affecting Dorchester County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Dorchester County at a total project cost of \$29,000.

Affecting Florence County**McLeod Regional Medical Center of the Pee Dee, Inc. d/b/a McLeod Regional Medical Center**

Acquisition of a second da Vinci surgical system at a total project cost of \$2,516,658.

Well Care Home Health of the Midlands, Inc.

Establishment of a Home Health Agency in Florence County at a total project cost of \$36,500.

Affecting Greenwood County**Self Regional Healthcare**

Modernization and expansion of the Ambulatory Care Center and the Women's Center, by renovating 24,186 sf of existing space and adding 8,650 sf of new construction at a total project cost of \$11,200,000.

Affecting Sumter County**Well Care Home Health of the Midlands, Inc.**

Establishment of a Home Health Agency in Sumter County at a total project cost of \$29,000.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from September 22, 2017. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Nic Gerrald, Certificate of Need Program, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-3495.

Affecting Beaufort County**Well Care Home Health of the Lowcountry, Inc.**

Establishment of a Home Health Agency in Beaufort County at a total project cost of \$29,000.

Affecting Berkeley County**Well Care Home Health of the Lowcountry, Inc.**

Establishment of a Home Health Agency in Berkeley County at a total project cost of \$29,000.

Affecting Charleston County**Well Care Home Health of the Lowcountry, Inc.**

Establishment of a Home Health Agency in Charleston County at a total project cost of \$36,500.

Well Care Home Health of the Midlands, Inc.

Establishment of a Home Health Agency in Clarendon County at a total project cost of \$29,000.

Affecting Colleton County**Well Care Home Health of the Lowcountry, Inc.**

Establishment of a Home Health Agency in Colleton County at a total project cost of \$29,000.

20 NOTICES

Affecting Dorchester County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Dorchester County at a total project cost of \$29,000.

Affecting Florence County

QHG of South Carolina, Inc. d/b/a Carolinas Hospital System Cedar Tower

Renovation of existing space for the establishment of a 20 bed psychiatric unit at a total project cost of \$4,019,969.

Well Care Home Health of the Midlands, Inc.

Establishment of a Home Health Agency in Florence County at a total project cost of \$36,500.

Affecting Georgetown County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Georgetown County at a total project cost of \$36,500.

Affecting Horry County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Horry County at a total project cost of \$36,500.

Affecting Marion County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Marion County at a total project cost of \$36,500.

Affecting Sumter County

Alan Jamieson d/b/a South Carolina Treatment Associates

Establishment of an Outpatient Narcotic Treatment Program in Sumter County at a total project cost of \$45,500.

Well Care Home Health of the Midlands, Inc.

Establishment of a Home Health Agency in Sumter County at a total project cost of \$29,000.

Affecting Williamsburg County

Well Care Home Health of the Lowcountry, Inc.

Establishment of a Home Health Agency in Williamsburg County at a total project cost of \$36,500.

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110, 38-3-110, and 38-71-530 et seq.

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-46 to comply with the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA). This legislation was modified to prohibit the sale of Medigap policies to newly eligible Medicare beneficiaries. Issuers violating this new prohibition after January 1, 2020 are subject to fines and imprisonment of not more than five (5) years. The amendments to this regulation will be based upon the National Association of Insurance Commissioners (NAIC) Model Regulation which has been drafted to implement these changes. To be considered, comments must be received no later than October 27, 2017, the close of the drafting comment period. Comments regarding this notice should be directed to the attention of: Gwendolyn Fuller McGriff, General Counsel, 1201 Main Street, Suite 1000, Columbia, South Carolina 29201, (803) 737-6200.

Synopsis:

Section 401 of MACRA prohibits the sale of Medigap policies that cover Part B deductibles to “newly eligible” Medicare beneficiaries defined as those individuals who (a) have attained age 65 on or after January 1, 2020; or (b) first become eligible for Medicare due to age, disability or end-stage renal disease, or on or after January 1, 2020. This prohibition applies in all states. The National Association of Insurance Commissioners has revised the model regulation to implement these changes. States must adopt the changes necessary to implement MACRA on or before December 31, 2017.

The proposed effective date of this regulation is the date the final regulation is published in the State Register. Since these amendments are being made to comply with federal law, legislative review is not required.

DEPARTMENT OF INSURANCE

CHAPTER 69

Statutory Authority: 1976 Code Sections 1-23-110 and 38-3-110 et seq.

Notice of Drafting:

The South Carolina Department of Insurance proposes to amend Regulation 69-58 regarding the privacy of consumer financial and health information to comply with the amendments to the Annual Notice requirements of Article V of the Gramm Leach Bliley Act included in the Fixing America’s Surface Transportation Act (FAST Act) and the most recent NAIC model. The FAST Act eliminates the annual privacy notice requirements for financial institutions under certain circumstances. The amendments to Regulation 69-58 will comport with the most recent version of the NAIC Privacy of Consumer Financial Information model which incorporates these amendments. To be considered, comments must be received no later than October 27, 2017, the close of the drafting comment period. Comments regarding this notice should be directed to the attention of: Gwendolyn Fuller McGriff, General Counsel, 1201 Main Street, Suite 1000, Columbia, South Carolina 29201, (803) 737-6200.

22 DRAFTING NOTICES

Synopsis:

Title V of the GLBA requires financial institutions—including depository institutions, registered investment companies, U.S. private funds, registered investment advisers and securities broker-dealers—to protect the nonpublic personal information (NPI) that they receive and to disclose their policies for collecting, using and disclosing NPI. Under the GLBA, financial institutions generally must provide their customers with: (1) an initial privacy notice with appropriate disclosures, at the time of establishing a customer relationship and (2) Annual Notices thereafter. Regulation 69-58 is based on the NAIC model regulation which implements Title V of the GLBA. It will be updated to comport with the most recent NAIC model. Additionally, Section 75001 of the FAST Act, signed into law on December 4, 2015, eliminates this annual notice requirement for financial institutions that satisfy two conditions: (1) The financial institution does not share nonpublic personal information with nonaffiliated third parties except pursuant to certain GLBA exceptions permitting such disclosures; and 2) the financial institution has also not changed its privacy policy and procedures since the most recent GLBA privacy notice sent to consumers. Accordingly, a financial institution would only be required to provide an Annual Notice if it changes its privacy policies or discloses non-public information to non-affiliated third parties in a manner that triggers the opt-out notice requirement.

These changes to the Annual Notice requirement were included as a part of the FAST Act. These changes are consistent with changes made by the Consumer Financial Protection Bureau. Since these amendments are being made to comply with federal law, legislative review of this regulation is not required.

The proposed effective date of this regulation is the date the final regulation is published in the State Register.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8302 regarding Explosives. Interested persons may submit comments to: Jonathan Jones, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203 or via email at Jonathan.Jones@LLR.SC.GOV.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; to make the current regulations compatible with current federal and state statutes; and, to revise the regulations to comply with Governor Henry D. McMaster's Executive Order 2017-09. These changes may also include stylistic changes, including corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8300 regarding Fire Prevention and Life Safety. Interested persons may submit comments to: Jonathan Jones, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203 or via email at Jonathan.Jones@LLR.SC.GOV.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; to make the current regulations compatible with current federal and state statutes; and, to revise the regulations to comply with Governor Henry D. McMaster's Executive Order 2017-09. These changes may also include stylistic changes, including corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8301 regarding Fire Prevention and Life Safety for Special Occupancies. Interested persons may submit comments to: Jonathan Jones, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203 or via email at Jonathan.Jones@LLR.SC.GOV.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; to make the current regulations compatible with current federal and state statutes; and, to revise the regulations to comply with Governor Henry D. McMaster's Executive Order 2017-09. These changes may also include stylistic changes, including corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulations.

Legislative review of this amendment is required.

24 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8305 regarding Fireworks and Pyrotechnics. Interested persons may submit comments to: Jonathan Jones, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203 or via email at Jonathan.Jones@LLR.SC.GOV.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; to make the current regulations compatible with current federal and state statutes; and, to revise the regulations to comply with Governor Henry D. McMaster's Executive Order 2017-09. These changes may also include stylistic changes, including corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulations.

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8306 regarding Hydrogen Facilities. Interested persons may submit comments to: Jonathan Jones, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203 or via email at Jonathan.Jones@LLR.SC.GOV.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; to make the current regulations compatible with current federal and state statutes; and, to revise the regulations to comply with Governor Henry D. McMaster's Executive Order 2017-09. These changes may also include stylistic changes, including corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8304 regarding Liquefied Petroleum Gas. Interested persons may submit comments to: Jonathan Jones, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203 or via email at Jonathan.Jones@LLR.SC.GOV.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; to make the current regulations compatible with current federal and state statutes; and, to revise the regulations to comply with Governor Henry D. McMaster's Executive Order 2017-09. These changes may also include stylistic changes, including corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulations.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF STATE FIRE MARSHAL
CHAPTER 71**

Statutory Authority: 1976 Code Sections 23-9-60, 23-9-550, 23-35-45, and 23-36-80

Notice of Drafting:

The South Carolina Department of Labor, Licensing and Regulation, Office of State Fire Marshal proposes to repeal and/or amend Regulation 71-8303 regarding Portable Fire Extinguishers and Fixed Fire Extinguishing Systems. Interested persons may submit comments to: Jonathan Jones, State Fire Marshal, S.C. Department of Labor, Licensing and Regulation, Office of State Fire Marshal, 141 Monticello Trail, Columbia, South Carolina 29203 or via email at Jonathan.Jones@LLR.SC.GOV.

Synopsis:

The Office of State Fire Marshal proposes to eliminate redundant and unnecessary provisions of the regulations; update, correct, and/or otherwise improve by amending the remaining existing regulations; use a standardized format for all regulations; to make the current regulations compatible with current federal and state statutes; and, to revise the regulations to comply with Governor Henry D. McMaster's Executive Order 2017-09. These changes may also include stylistic changes, including corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulations.

Legislative review of this amendment is required.

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Document No. 4760

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-61-610 et seq.

Preamble:

The Department of Health and Environmental Control (“Department”) proposes a new regulation to address the requirements of the Stroke System of Care Act of 2011, S.C. Code Sections 44-61-610 *et seq.* (Supp. 2016). The proposed regulation establishes a process of application and recognition of acute care hospitals wishing to be recognized as stroke centers within South Carolina. The proposed regulation establishes a statewide stroke registry for the collection and analysis of stroke care by acute care hospitals within the State. Additionally, the proposed regulation adopts a nationally recognized, standardized stroke-triage assessment tool, posted on the Department’s website and distributed to all Emergency Medical Services (“EMS”) agencies licensed by the Department. Legislative review is required.

A Notice of Drafting was published in the *State Register* on April 28, 2017.

Section-by-Section Discussion of Proposed Regulation:

TABLE OF CONTENTS

The table of contents was added.

Section 100. DEFINITIONS

The definitions of 100.A Acute Care Hospital, 100.B Acute Stroke Ready Hospital, 100.C Certificate of Recognition, 100.D Certificate Holder, 100.E Comprehensive Stroke Center, 100.F Department, 100.G Emergency Medical Services, 100.H Primary Stroke Center, 100.I Recognition, 100.J State Stroke Registry Database, 100.K Stroke Advisory Council, 100.L Stroke Care System, 100.M Stroke Center, and 100.N Stroke Patient were added.

Section 200. RECOGNITION PROCESS

Section 200 delineates the process for recognition by the Department.

Section 201. Eligibility for Recognition

Section 201 allows for any acute care hospital certified or accredited as a Stroke Center by the Joint Commission or other nationally recognized organization to apply to the Department for recognition.

Section 202. Application Process

Section 202 outlines the process for application to the Department for recognition and delineates the required documentation therein.

Section 203. Recognition Renewal

Section 203 states that recognition expires upon expiration of current disease-specific certification or accreditation by the Joint Commission or other nationally recognized organization.

Section 204. Recognition Levels

Section 204 delineates the available levels of recognition and states that the Department may adopt and recognize any certification or accreditation by nationally recognized organizations that may become available at a later date.

Section 205. Recognition

Section 205 delineates the Department's process for recognizing hospitals under the requirements of this regulation.

Section 206. Process of Re-recognition

Section 206 delineates the process for acute care hospitals seeking recognition after previously, but no longer, being a Certificate Holder.

Section 300. CERTIFICATE OF RECOGNITION REQUIREMENTS

Section 300 outlines the Certificate of Recognition requirements.

Section 301. Issuance and Terms of the Certificate of Recognition

Section 301 delineates the terms of certificates indicating Recognition and states that a Certificate of Recognition is not assignable or transferable.

Section 302. Exceptions to the Standards

Section 302 was added to grant the Department authority to make exceptions to these standards when the health and safety of patients will not be compromised and the standard is not specifically required by statute.

Section 400. STATEWIDE SYSTEM OF STROKE CARE

Section 400.A requires licensed EMS providers to utilize the South Carolina Stroke Assessment and Triage tool identified by the Department in the SC EMS Protocol "Suspected Stroke." Section 400.B requires licensed EMS providers to utilize the SC EMS Protocol "Adult Stroke Patient Destination Determination by Stroke Center Capability" for transport of acute stroke patients to the closest stroke center within a specified timeframe of onset of symptoms unless one (1) or more exceptions listed therein applies.

Section 500. STATE STROKE REGISTRY DATABASE

Section 500 outlines the requirements of submission to the State Stroke Registry Database.

Section 501. Data Submission

Section 501 requires Certificate Holders to participate in the State Stroke Registry Database and outlines the required schedule for submission.

Section 502. Inclusion and Exclusion Criteria

Section 502 states that patient inclusion and exclusion criteria will be established by the Department under the guidance of the Stroke Advisory Council and maintained in the State Stroke Registry Guidelines.

Section 503. Confidentiality Protection of Data and Reports

Section 503 requires that reports show only general information and shall not identify any protected information or hospital information.

Section 600. SEVERABILITY

Section 600 was added to allow the regulation to remain valid should it be determined that a portion of the regulation be invalid or unenforceable.

Section 700. GENERAL

Section 700 was added to allow the Department to utilize best practices to manage any conditions not covered by these regulations.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comments on the proposed new regulation in writing to Robert Wronski by mail at Bureau of EMS and Trauma, South Carolina Department of Health and Environmental Control, 2600 Bull

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Street, Columbia, SC 29201; or by e-mail at HealthRegComm@dhec.sc.gov. Interested persons may also submit comments electronically at the following address: <http://www.scdhec.gov/Agency/RegulationsAndUpdates/PublicComments/>, under the Notice of Proposed Regulation for South Carolina Stroke Care System. To be considered, comments must be received no later than 5:00 p.m. on October 23, 2017, the close of the public comment period. Comments received shall be submitted in a “Summary of Public Comments and Department Responses” for the Board of Health and Environmental Control’s consideration at the public hearing.

Interested persons may also make oral and/or written comments on the proposed new regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 7, 2017. The Board will conduct the public hearing in the Board Room, Third floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board’s agenda published by the Department twenty-four (24) hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.PDF>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five (5) minutes or less and, as a courtesy, are asked to provide written copies of their presentations for the record. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) provides a summary of the proposed new regulation, a link to the proposed new regulation, and applicable contact information. Interested persons may also obtain a copy of the proposed new regulation by contacting Robert Wronski at the above mailing address or by email at wronskra@dhec.sc.gov.

Preliminary Fiscal Impact Statement:

There is no anticipated additional cost by the Department or State government due to any inherent requirements of this regulation. There are no external costs anticipated.

Statement of Need and Reasonableness:

The following is based on an analysis of the factors listed in 1976 Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION:

Purpose: The purpose of this new regulation is to establish a process of application and recognition of acute care hospitals wishing to be recognized as Stroke Centers within the State, encourage Stroke Centers to submit data to the State Stroke Registry Database, and establish a statewide stroke assessment and triage tool for EMS. This regulation seeks to direct EMS agencies to transport stroke patients to appropriate facilities to treat stroke patients in a timely manner.

Legal Authority: 1976 Code Sections 44-61-610 et seq.

Plan for Implementation: The proposed regulation is available electronically on the South Carolina Legislature website. The DHEC Regulation Development Update (accessible at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>) also provides a link to the proposed regulation. Printed copies are available for a fee from the Department’s Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Pursuant to S.C. Code Section 44-61-640(B) (Supp. 2016), the Department must establish a process to recognize acute care hospitals as Stroke Centers within the State, given an applicant is certified as a Stroke Center by the Joint Commission or another nationally recognized organization that provides disease-specific certification or accreditation for stroke care. Furthermore, the Department must supply a list of these recognized Stroke Centers to EMS agencies and create and provide a statewide stroke assessment-triage tool. This proposed regulation establishes the process of recognition of Stroke Centers, requires the use of a statewide stroke assessment-triage tool and transport plan, and outlines the process to participate in the State Stroke Registry Database.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost to the Department, State government, or the regulated community due to any inherent requirements of this regulation.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation seeks to support the Department's goals relating to protection of public health through the anticipated benefits highlighted above. There is no anticipated effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment. If the proposed regulation is not implemented, transport of stroke patients within the State by EMS agencies will be up to the determination and agreements between EMS agencies and the local hospitals regardless of their certification as Stroke Centers.

Statement of Rationale:

The Department proposes a new regulation to address the requirements of the Stroke System of Care Act of 2011. This regulation is necessary to establish a process of application and recognition of acute care hospitals wishing to be recognized as Stroke Centers within South Carolina. The regulation establishes a State Stroke Registry Database for the collection and analysis of stroke care by acute care hospitals within the State. Finally, the regulation adopts a nationally recognized, standardized stroke-triage assessment tool to be posted on the Department's website and distributed to all EMS agencies licensed by the Department.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

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Document No. 4757
SOUTH CAROLINA HUMAN AFFAIRS COMMISSION
CHAPTER 65
Statutory Authority: 1976 Code Section 1-13-70

65-2. Complaint.

Preamble:

Regulation 65-2 governs the requirements for the Agency's acceptance and retention of formal complaints of discrimination under the Human Affairs Law. Current language permits complainants to file in person or by mail, but does not contemplate modern transmissions, such as through facsimile or by email.

Notice of Drafting was published in the *State Register* on August 25, 2017.

Section-by-Section Discussion

F. Updates the manner by which a complaint may be accepted.

Notice of Public Hearing and Opportunity for Public Comment:

A Public Hearing will be held on November 16, 2017 at 2:00 PM in the Board Room of the Human Affairs Commission, 1026 Sumter Street, Suite 101, Columbia, SC 29201. The South Carolina Human Affairs Commission proposes to amend Regulation 65-2. Complaint.

Written comments should be submitted in writing to SC Human Affairs Commission – Legal Department, P.O. Box 4490, Columbia, SC 29240. To be considered, all comments must be received no later than 5:00 p.m. on October 23, 2017.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Agency estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 65-2.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 65-2. Complaint.

Purpose: The regulation governs the requirements for acceptance and retention of formal complaints of discrimination under the Human Affairs Law.

Legal Authority: 1976 Code Section 1-13-70.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

As reflected in 1976 Code Sections 1-13-90, every complaint of discrimination must be in writing under oath or affirmation. The proposed amendments permit those complaints to be sent via email or by facsimile for timely filing.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments have no effect on the environment or on public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment or public health if the regulation is not amended.

Statement of Rationale:

Regulation 65-2, Complaint, should be changed to allow for complaint filing via email or facsimile. The proposed amendments will parallel the requirements of the Agency's federal counterpart, the Equal Employment Opportunity Commission, thereby making the respective practices of the two entities substantially similar, which is required by the *Worksharing Agreement* between the Agency and the Equal Employment Opportunity Commission.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4758

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION
CHAPTER 65**

Statutory Authority: 1976 Code Section 1-13-70

65-3. Investigation and Production of Evidence.

Preamble:

Regulation 65-3 governs procedures for Agency investigations based on complaints of unlawful conduct under the Human Affairs Law.

Notice of Drafting was published in the *State Register* on August 25, 2017.

Section-by-Section Discussion

B.(10)(d)(i) Amendment would permit Charging Party to receive a copy of the Respondent's 'position statement' during the course of an investigation.

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Notice of Public Hearing and Opportunity for Public Comment:

A Public Hearing will be held on November 16, 2017, at 2:00 PM in the Board Room of the Human Affairs Commission, 1026 Sumter Street, Suite 101, Columbia, SC 29201. The South Carolina Human Affairs Commission proposes to amend Regulation 65-3. Investigation and Production of Evidence.

Written comments should be submitted in writing to SC Human Affairs Commission – Legal Division, P.O. Box 4490, Columbia, SC 29240. To be considered, all comments must be received no later than 5:00 p.m. on October 23, 2017.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Agency estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 65-223.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 65-3. Investigation and Production of Evidence.

Purpose: The regulation governs the procedures for the agency to investigate complaints of unlawful conduct as defined by the Human Affairs Law. Explains the mechanisms for obtaining relevant information from parties in an Agency investigation. Guides the Agency on disclosure of file contents.

Legal Authority: 1976 Code Section 1-13-70.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed amendment to Regulation 65-3(B)(10)(d)(i) is reasonable because it will provide Charging Party with a copy of the Respondent's 'position statements' during the course of an employment discrimination investigation. Charging Party may then rebut the Respondent's defenses. This amendment parallels the Equal Employment Opportunity Commission's (EEOC) practice of releasing 'position statements'.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments have no effect on the environment or on public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment or public health if the regulation is not amended.

Statement of Rationale:

The Respondent's 'position statement' should be made available to the charging party so that the charging party can rebut the Respondent's defenses. Certain confidential information, if properly limited and designated as by the Respondent as confidential, may be precluded from disclosure to the charging party. The Agency's federal counterpart, the Equal Employment Opportunity Commission, made this practiced uniform nationwide in 2016.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4759

**SOUTH CAROLINA HUMAN AFFAIRS COMMISSION
CHAPTER 65**

Statutory Authority: 1976 Code Sections 31-21-30 and 31-21-100

65-223. Investigation Procedures.

Preamble:

Regulation 65-223 governs the procedures for administrative hearings before a panel of commissioners following a reasonable cause determination under the Fair Housing Law.

Notice of Drafting was published in the *State Register* on August 25, 2017.

Section-by-Section Discussion

- D.(1) The change would create a new subsection and would permit closure of an investigation when the aggrieved party wishes to withdraw the matter. The request will be subject to the Commission's approval.
- D.(2) The change would create an additional subsection and would permit closure of an investigation when an aggrieved party is offered full relief under the law and fails to accept it.
- D.(3) The change would create an additional subsection and permit closure of an investigation when the aggrieved party fails to provide information necessary for the proper filing or processing of a complaint.
- D.(4) The change reflects remuneration of the information currently contained in 65-223D.

Notice of Public Hearing and Opportunity for Public Comment:

A Public Hearing will be held on November 16, 2017, at 2:00 PM in the Board Room of the Human Affairs Commission, 1026 Sumter Street, Suite 101, Columbia, SC 29201. The South Carolina Human Affairs Commission proposes to amend Regulation 65-223. Investigation Procedures.

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Written comments should be submitted in writing to SC Human Affairs Commission – Legal Division, P.O. Box 4490, Columbia, SC 29240. To be considered, all comments must be received no later than 5:00 p.m. on October 23, 2017.

Preliminary Fiscal Impact Statement:

No additional state funding is requested. The Agency estimates that no additional costs will be incurred by the state in complying with the proposed amendments to 65-223.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 65-223. Investigation Procedures.

Purpose: The regulation explains the procedures for investigating a charge filed under the Fair Housing Law.

Legal Authority: 1976 Code Sections 31-21-30 and 31-21-100.

Plan for Implementation: The proposed amendments will take effect upon approval by the S.C. General Assembly and publication in the State Register. This regulation will also be published on the S.C. Legislature website in the S.C. Code of Regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Regulation 65-223, Investigation Procedures will allow aggrieved parties an opportunity to request a withdrawal of their housing discrimination complaint, subject to the Commission's approval. Additionally, the amended regulation will grant the Commission authority to close an investigation when the aggrieved party fails to accept full relief under law and in cases where the aggrieved party fails to provide the necessary information for processing a complaint. This change will provide housing discrimination complaints with the same withdrawal and dismissal provisions that are currently found in the regulations governing employment discrimination investigation procedures.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the state or its political subdivisions, nor will the proposed amendments result in any increased cost to the business community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments have no effect on the environment or on public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment or public health if the regulation is not amended.

Statement of Rationale:

The regulation should include provisions that allow for closure of an investigation when an aggrieved party wants to withdraw the matter, or when aggrieved party is offered full relief under the law and fails to accept it.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4765
DEPARTMENT OF LABOR, LICENSING AND REGULATION
 CHAPTER 10
 Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-6-50 and 40-6-60

10-5. Auctioneers' Commission.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, on behalf of the Auctioneers' Commission, proposes to amend its regulations relating to fees charged by the Board to change the examination fee charged to applicants from \$25 to "as set by the provider."

Section-by-Section Discussion

10-5. Auctioneers' Commission.

- 10-5(A) No change.
- 10-5(A)(1) No change.
- 10-5(A)(1)(a) No change.
- 10-5(A)(1)(b) No change.
- 10-5(A)(1)(c) Change \$25 to "as set by the provider".
- 10-5(A)(1)(d) No change.
- 10-5(A)(1)(e) No change.
- 10-5(A)(2) No change.
- 10-5(A)(2)(a) No change.
- 10-5(A)(2)(b) No change.
- 10-5(A)(2)(c) No change.
- 10-5(A)(2)(d) No change.
- 10-5(A)(3) No change.
- 10-5(B) No change.
- 10-5(B)(1) No change.
- 10-5(B)(1)(a) No change.
- 10-5(B)(1)(b) No change.
- 10-5(B)(1)(c) No change.
- 10-5(B)(1)(d) No change.
- 10-5(B)(1)(e) New. Add Examination fee for auction firm.
- 10-5(B)(2) No change.
- 10-5(C) No change.
- 10-5(C) (1) No change.
- 10-5(C)(1)(a) No change.
- 10-5(C)(1)(b) No change.

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- 10-5(C)(1)(c) Change Exam to Examination. Change \$25 to “as set by the provider”.
- 10-5(C)(1)(d) No change.
- 10-5(C)(2) No change.
- 10-5(C)(2)(a) No change.
- 10-5(C)(2)(b) No change.
- 10-5 (D) No change.
- 10-5 (D)(1) No change.
- 10-5 (D)(2) No change.
- 10-5 (D)(3) No change.
- 10-5 (D)(4) No change.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 7, 2017. Written comments may be directed to Amy Holleman, Administrator, Auctioneers’ Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to change the examination fee, currently set in regulation as \$25, to “as set by the provider”. The Department has gradually phased out offering professional and occupational license tests over the past several years, allowing professional testing services to bid for the contract. Auctioneers is one of the remaining few still offered by the Department. By changing this language, the Department will be able to locate a professional testing service willing to offer the exam.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to remove the fee amount paid for the exam from the regulation.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-6-50 and 40-6-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will remove the fee amount charged for the exam and will replace the amount with language notifying applicants that the third-party provider establishes the charge for the exam.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will change the examination fee, currently set in regulation as \$25, to “as set by the provider”. The Department has gradually phased out offering professional and occupational license tests over the past several years, allowing professional testing services to bid for the contract. Auctioneers is one of the remaining few still offered by the Department. By changing this language, the Department will be able to locate a professional testing service willing to offer the exam.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4764

DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-6-50 and 40-6-60

10-5. Auctioneers’ Commission.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, on behalf of the Auctioneers’ Commission, proposes to amend its regulations relating to fees charged by the Board to correct a scrivener’s error by adding the late fees, currently appearing in Chapter 14, into the Department’s chapter of the regulations which contains the boards’ fee schedules.

Section-by-Section Discussion

10-5. Auctioneers’ Commission.

- 10-5(A) No change.
- 10-5(A)(1) No change.
- 10-5(A)(1)(a) No change.

38 PROPOSED REGULATIONS

- 10-5(A)(1)(b) No change.
- 10-5(A)(1)(c) No change.
- 10-5(A)(1)(d) No change.
- 10-5(A)(1)(e) No change.
- 10-5(A)(2) No change.
- 10-5(A)(2)(a) No change.
- 10-5(A)(2)(b) No change.
- 10-5(A)(2)(c) No change.
- 10-5(A)(2)(d) No change.
- 10-5(A)(3) No change.
- 10-5(A)(3)(a) New. Add Late fee on or before July 31 - \$25.
- 10-5(A)(3)(b) New. Add Late fee after July 31 and on or before September 30 - \$100.
- 10-5(B) No change.
- 10-5(B)(1) No change.
- 10-5(B)(1)(a) No change.
- 10-5(B)(1)(b) No change.
- 10-5(B)(1)(c) No change.
- 10-5(B)(1)(d) No change.
- 10-5(B)(2) No change.
- 10-5(B)(2)(a) New. Add Late fee on or before July 31 - \$25.
- 10-5(B)(2)(b) New. Add Late fee after July 31 and on or before September 30 - \$100.
- 10-5(C) No change.
- 10-5(C) (1) No change.
- 10-5(C)(1)(a) No change.
- 10-5(C)(1)(b) No change.
- 10-5(C)(1)(c) No change.
- 10-5(C)(1)(d) No change.
- 10-5(C)(2) No change.
- 10-5(C)(2)(a) No change.
- 10-5(C)(2)(b) Renumber. Add Late fee on or before July 31 - \$25.
- 10-5(C)(2)(c) Renumber. Add Late fee after July 31 and on or before September 30 - \$100.
- 10-5(C)(2)(d) Renumber.
- 10-5 (D) No change.
- 10-5 (D)(1) No change.
- 10-5 (D)(2) No change.
- 10-5 (D)(3) No change.
- 10-5 (D)(4) No change.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m., on November 7, 2017. Written comments may be directed to Amy Holleman, Administrator, Auctioneers' Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to correct a scrivener’s error. In 2014, the Auctioneers’ Commission, along with the majority of the boards and commissions housed within the umbrella agency, the South Carolina Department of Labor, Licensing and Regulation, voted to move their fee schedules into a newly-created chapter of the Code of Regulations, Chapter 10. The late fees, appearing in Reg. 14-12, however, were not included in the fee schedule that moved. The proposed regulation, herein, seeks to correct this error.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to correct a scrivener’s error.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-6-50 and 40-6-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will correct a scrivener’s error and further consolidate the fee schedules for the Department’s boards and commissions.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will correct a scrivener’s error. In 2014, the Auctioneers’ Commission, along with the majority of the boards and commissions housed within the umbrella agency, the South Carolina Department of Labor, Licensing and Regulation, voted to move their fee schedules into a newly-created chapter of the Code of Regulations, Chapter 10. The late fees, appearing in Reg. 14-12, however, were not included in the fee schedule that moved. The proposed regulation, herein, seeks to correct this error.

40 PROPOSED REGULATIONS

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4762

DEPARTMENT OF LABOR, LICENSING AND REGULATION
CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-67-70

10-41. Board of Examiners in Speech-Language Pathology and Audiology.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, on behalf of the Board of Examiners in Speech-Language Pathology and Audiology, proposes to amend its regulations to reduce the fee for reinstating a license from \$270 to \$220.

Section-by-Section Discussion

- 10-41(A) No change.
- 10-41(A)(1) No change.
- 10-41(A)(2) No change.
- 10-41(A)(3) No change.
- 10-41(A)(4) No change.
- 10-41(B) No change.
- 10-41(B)(1) No change.
- 10-41(B)(2) No change.
- 10-41(B)(3) No change.
- 10-41(B)(4) No change.
- 10-41(C) No change.
- 10-41(C)(1) Change \$270 to \$220.
- 10-41(C)(2) No change.
- 10-41(D) No change.
- 10-41(E) No change.
- 10-41(F) No change.
- 10-41(F)(1) No change.
- 10-41(F)(2) No change.
- 10-41(F)(3) No change.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on November 7, 2017. Written comments may be directed to Mack Williams, Administrator, Board of Examiners in Speech-Language Pathology and Audiology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to reflect a decrease in the reinstatement fee for licensure.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to reduce the reinstatement fee.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70 and 40-67-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will reduce the reinstatement fee from \$270 to \$220.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will reduce the reinstatement fee from \$270 to \$220.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

42 PROPOSED REGULATIONS

Document No. 4761

DEPARTMENT OF LABOR, LICENSING AND REGULATION CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50(D), 40-1-70, and 40-22-50(B)

10-14. Board of Registration for Professional Engineers and Surveyors.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, on behalf of the Board of Professional Engineers and Surveyors, proposes to amend its regulations to include the fee for the S.C. State Specific Surveying Examination.

Section-by-Section Discussion

10-14 No change.

10-14(1) No change.

10-14(1)(a) No change.

10-14(1)(b) No change.

10-14(1)(c) No change.

10-14(1)(d) No change.

10-14(1)(e) No change.

10-14(1)(f) No change.

10-14(1)(g) No change.

10-14(1)(h) No change.

10-14(2) No change.

10-14(2)(a) No change.

10-14(2)(b) No change.

10-14(3) No change.

10-14(3)(a) No change.

10-14(3)(b) No change.

10-14(3)(c) No change.

10-14(3)(d) No change.

10-14(3)(e) No change.

10-14(3)(f) No change.

10-14(3)(g) New. Add S.C. State Specific Surveying Examination fee: "As set by the provider".

10-14(4) No change.

10-14(4)(a) No change.

10-14(5) No change.

10-14(6) No change.

10-14(6)(a) No change.

10-14(6)(b) No change.

10-14(7) No change.

10-14(8) No change.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 7, 2017. Written comments may be directed to Lenora Addison-Miles, Administrator, Board of Registration for Professional Engineers and Surveyors, South Carolina Department of Labor, Licensing and Regulation, Post Office Box

11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to include the Surveyors' S.C. State Specific Surveying Examination fee in the fee schedule.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to add the S.C. State Specific Surveying Examination fee in the fee schedule.

Legal Authority: 1976 Code Sections 40-1-50(D), 40-1-70, and 40-22-50(B).

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will add the S.C. State Specific Surveying Examination fee in the fee schedule.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will add the Surveyors' State Specific Surveying Examination fee in the fee schedule.

44 PROPOSED REGULATIONS

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4763

DEPARTMENT OF LABOR, LICENSING AND REGULATION

CHAPTER 10

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-60-10(I)(3) and 40-60-360

10-36. Real Estate Appraisers Board.

Preamble:

The Department of Labor, Licensing and Regulation, Real Estate Appraisers Board, proposes to make changes to certain fees including removing fees not currently charged and adding fees for appraisal management companies.

Section-by-Section Discussion

- 10-36 (1) No change.
- 10-36 (2) No change.
- 10-36 (3) No change.
- 10-36 (4) Delete.
- 10-36 (5) Renumber.
- 10-36 (6) Renumber. Add Appraisal Management Company registration fee.
- 10-36 (7) Renumber. Add Appraisal Management Company renewal fee.
- 10-36 (8) Delete.
- 10-36 (9) Renumber. Add late penalty for renewal or registration status.
- 10-36 (10) Renumber. Add “or company”.
- 10-36 (11) Renumber.
- 10-36 (12) Renumber.
- 10-36 (13) Renumber.
- 10-36 (14) Renumber.
- 10-36 (15) Renumber.
- 10-36 (16) Renumber.
- 10-36 (17) Renumber.
- 10-36 (18) Renumber.
- 10-36 (19) Renumber.
- 10-36 (20) Renumber.
- 10-36 (21) Renumber. Add “or Appraisal Management Company”.
- 10-36 (22) Delete.
- 10-36 (23) Delete.
- 10-36 (24) Renumber.
- 10-36 (25) Renumber.
- 10-36 (26) Renumber.
- 10-36 (27) Renumber. Change \$40.00 to \$80.00 to reflect biennial licensure. Add “and shall be collected on a biennial basis (\$80.00) at the end.
- 10-36 (28) Renumber.
- 10-36 (28) Add new number. Add “An annual Appraisal Management Federal Registry Transmittal fee from registered appraisal management companies and federally regulated appraisal management companies in the

amount determined by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council shall be collected biennially.”

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 7, 2017. Written comments may be directed to Laura Smith, Administrator, Real Estate Appraisers Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to remove fees that the program no longer needs to charge and to add fees that are necessary to expand the scope of services that the Real Estate Appraisers Board provides to include the regulation of appraisal management companies.

DESCRIPTION OF REGULATION:

Purpose: The Department, on behalf of the board, is amending its regulations to remove unnecessary fees and to add fees to cover the expanded services provided by the board in its duties to regulate appraisal management companies.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 40-60-10(I)(3) and 40-60-360.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the *State Register*. LLR will notify licensees of the revised regulation and post the revised regulations on the agency’s website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will remove unnecessary fees and add fees to pay for the regulation of appraisal management companies, as required by both Federal and State law.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

46 PROPOSED REGULATIONS

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will remove fees that the program no longer needs to charge and to add fees that are necessary to expand the scope of services that the Real Estate Appraisers Board provides to include the regulation of appraisal management companies.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4767

DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF BARBER EXAMINERS
CHAPTER 17

Statutory Authority: 1976 Code Sections 40-7-50, 40-7-60, 40-7-230 and 40-7-290

17-8. Barber Students, Applications, Permits, Training, Progress Reports, and Examinations.

Preamble:

The South Carolina Board of Barber Examiners proposes to amend its regulations relating to: the number of hours of training per day required to be considered full-time for students training in barber schools or colleges; the individuals who can serve as supervisors for on-the-job (OJT) training for full-time and part-time students; and the number of weeks required for students training part-time in schools or in colleges and for students training part-time on-the-job.

Section-by-Section Discussion

17-8 (1) Change personal supervision of a registered barber to licensed barber instructor.

17-8 (1)(A) Change eight-hour days for students training full-time in school or in college to seven-and-a-half hour days; change qualified registered barber to licensed barber instructor.

17-8 (1)(B) No change.

17-8 (1)(C) Change registered barber to a licensed barber instructor.

17-8 (1)(D) Change 40 weeks to 75 weeks; change qualified registered barber to licensed barber instructor; change 48 weeks to 96 weeks.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 14, 2017. Written comments may be directed to Theresa Brown, Administrator, Board of Barber Examiners, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289,

no later than 5:00 p.m., October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to comport with the statutory requirements for the number of hours a student must complete in order to be licensed. S.C. Code Section 40-7-230(B)(3) requires students to complete 1500 hours' training in a reliable school or college approved by the board to obtain a certificate of registration as a barber apprentice. The current version of the regulation, however, requires full-time students to complete 40-hour weeks of training for 40 weeks, which totals 1600 hours' training, thereby exceeding the statutorily-required number of hours' training. Similarly, the current version of the regulation requires part-time students to complete 20-hour weeks of training for 40 weeks, which totals 800 hours' training, thereby requiring fewer than the statutorily-mandated amount. Additionally, S.C. Code Section 40-7-230(B)(3) requires students who receive their training under the personal supervision of a registered barber, instead of a school, to complete 1920 hours' training to obtain a certificate of registration as a barber apprentice. The current version of the regulation, however, only requires students training part time under the personal supervision of a registered barber to complete 20-hour weeks for 48 weeks, which totals 960 hours, thereby requiring fewer than the statutorily-mandated amount.

These regulations also clarify the requirements for serving as an instructor for students who wish to train on the job. The language will now reference the instructor as a licensed barber instructor. The revised language comports with S.C. Code Section 40-7-290 which sets forth the requirements for barbers who train students.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to correct the mathematic computations fleshing out the required number of hours and weeks training to receive a certificate of registration as an apprentice, and to clarify the requirements for those wishing to provide on-the-job training for individuals seeking to learn the profession.

Legal Authority: 1976 Code Sections 40-7-50, 40-7-60, 40-7-230 and 40-7-290.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will serve to comport with and clarify existing sections of the Code.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

48 PROPOSED REGULATIONS

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will comport with and clarify existing sections of the Code.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4769
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF REGISTRATION FOR FORESTERS
CHAPTER 53

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 48-27-140 and 48-27-190

53-16. Licensure Fees.

Preamble:

The South Carolina Board of Registration for Foresters proposes to amend its regulations to delete the fees as they have been moved into Chapter 10, the chapter containing the Department of Labor, Licensing and Regulation's boards' and commissions' fee schedules.

Section-by-Section Discussion

- 53-16 (1) Delete.
- 53-16 (2) Delete.
- 53-16 (3) Delete.
- 53-16 (4) Delete.
- 53-16 (5) Delete.
- 53-16 (6) Delete.
- 53-16 (7) Delete.
- 53-16 (8) Delete.
- 53-16 (9) Delete.
- 53-16 (10) Delete.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on November 14, 2017. Written

comments may be directed to Molly Price, Administrator, Board of Registration for Foresters, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to delete the fee schedule as it has been moved to Chapter 10 of the Code of Regulations. Deleting the provisions will remove unnecessary and duplicative language.

DESCRIPTION OF REGULATION:

Purpose: These regulations delete the fee schedule appearing in the Board's regulation as it has been moved to Chapter 10 of the Code of Regulations.

Legal Authority: 1976 Code Sections 40-1-50, 40-1-70, 48-27-140 and 48-27-190.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

These regulations delete the fee schedule appearing in the Board's regulation as it has been moved to Chapter 10 of the Code of Regulations. Deleting the provisions will remove unnecessary and duplicative language.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations delete the fee schedule appearing in the Board's regulation as it has been moved to Chapter 10 of the Code of Regulations. Deleting the provisions will remove unnecessary and duplicative language.

50 PROPOSED REGULATIONS

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4770
DEPARTMENT OF LABOR, LICENSING AND REGULATION
OFFICE OF IMMIGRANT WORKER COMPLIANCE
CHAPTER 71
Statutory Authority: 1976 Code Section 40-83-30

71-10002. Audit Program.

Preamble:

The South Carolina Department of Labor, Licensing and Regulation, Office of Immigrant Worker Compliance, proposes to amend its regulations to repeal sections A through D of the regulation describing the audit program to conform to statutory changes.

Section-by-Section Discussion

- 71-10002 (A) Delete
- 71-10002 (B) Delete
- 71-10002 (C) Delete
- 71-10002 (D) Delete
- 71-10002 (E) Delete sequential lettering
- 71-10002 (E) (1) No changes
- 71-10002 (E) (2) No changes

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 15, 2017. Written comments may be directed to James Knight, Deputy Director, Office of Immigrant Worker Compliance, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m. on October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to repeal sections A through D of the regulation establishing the audit program to conform to statutory changes. The regulations, as originally drafted, implemented the immigration law enacted by the General Assembly in 2008. The immigration law was subsequently amended, effective January 1, 2012, negating directives on how audits were required to be conducted. The regulation deletes language supported by the prior version of the statute.

DESCRIPTION OF REGULATION:

Purpose: The Office of Immigrant Worker Compliance is amending its regulations to repeal sections A through D of the regulation describing an audit program to conform to statutory changes.

Legal Authority: 1976 Code Section 40-83-30.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will repeal unnecessary program requirements.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will repeal sections A through D of the regulation describing an audit program to conform to statutory changes.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

52 PROPOSED REGULATIONS

Document No. 4768
DEPARTMENT OF LABOR, LICENSING AND REGULATION
PERPETUAL CARE CEMETERY BOARD
CHAPTER 21
Statutory Authority: 1976 Code Section 40-8-70

21-2. Definitions.

Preamble:

The South Carolina Perpetual Care Cemetery Board proposes to amend its regulations relating to the reporting requirements for a cemetery company's care and maintenance trust fund and merchandise fund from every three years to annually.

Section-by-Section Discussion

- 21-2 (1) No change.
- 21-2 (2) No change.
- 21-2 (3) No change.
- 21-2 (4) Change every three (3) years to annually.
- 21-2 (5) No change.
- 21-2 (6) No change.
- 21-2 (7) No change.
- 21-2 (8) No change.
- 21-2 (9) No change.
- 21-2 (10) No change.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on November 20, 2017. Written comments may be directed to Amy Holleman, Administrator, Perpetual Care Cemetery Board, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Need and Reasonableness:

These regulations are amended to change the reporting requirements for a cemetery company's care and maintenance trust fund and merchandise fund from every three years to annually. Annual reporting will relieve the cemetery of the burden of maintaining 36 months' worth of records for the purpose of government reporting requirements. It will also give the Board an opportunity to discover problems sooner rather than later, thereby better protecting the public from potential harm.

DESCRIPTION OF REGULATION:

Purpose: The board is amending its regulations to change the reporting requirements for a cemetery company's care and maintenance trust fund and merchandise fund from every three years to annually.

Legal Authority: 1976 Code Section 40-8-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

These regulations are amended to change the reporting requirements for a cemetery company's care and maintenance trust fund and merchandise fund from every three years to annually. Annual reporting will relieve the cemetery of the burden of maintaining 36 months' worth of records for the purpose of government reporting requirements. It will also give the Board an opportunity to discover problems sooner rather than later, thereby better protecting the public from potential harm.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These updated regulations will relieve a cemetery of the burden of maintaining 36 months' worth of records for the purpose of compliance with government reporting requirements. It will also give the Board an opportunity to discover problems sooner rather than later, thereby better protecting the public from potential harm.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

54 PROPOSED REGULATIONS

Document No. 4766
DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD
CHAPTER 137
Statutory Authority: 1976 Code Sections 40-60-10(I)(3) and 40-60-360

- 137-100. Definitions.
- 137-100.01. Appraisal Experience Point System.
- 137-100.02. Qualifications.
- 137-100.03. Residential Appraisal Categories.
- 137-100.04. Residential Point Values.
- 137-100.05. Nonresidential Point Values.
- 137-100.06. Nonresidential Appraisal Categories.
- 137-100.07. Other Appraisal Experience.
- 137-200.02. Residential Mass Appraisals.
- 137-200.03. Nonresidential Mass Appraisals.
- 137-200.04. Mass Appraisal Experience Verification.
- 137-300.01. Responsibilities of an Apprentice Appraiser.
- 137-300.02. Responsibilities of a Supervising Appraiser.
- 137-400.01. Temporary Practice.
- 137-500.01. Continuing Education.
- 137-600.02. Ex Parte Communications.
- 137-600.03. Disciplinary Information.
- 137-600.05. (New Section) Disciplinary Action for Appraisal Management Companies
- 137-700.01. Hearings.
- 137-700.02. Role of Board Members.
- 137-700.03. Failure to Appear.
- 137-800.01. Payment of Fees.
- 137-800.02. Bad Checks.
- 137-800.03. Biennial Fee Schedule.
- 137-800.04. Permit, License and Certification Renewals.
- 137-800.05. Expired Permit, License or Certificate.
- 137-900.05. Curriculum and Attendance.
- 137-900.09. Instructors.

Preamble:

The South Carolina Real Estate Appraisers Board proposes to: amend its regulations relating to appraisal experience, qualifications, appraisal categories, mass appraisals, apprentice and supervisor requirements, temporary practice, continuing education, and disciplinary actions; delete fees; add regulations for AMCs; and make editorial changes.

Section-by-Section Discussion

- 137-100 Renumber. Add definitions for Co-Appraiser, Direct Supervision, Lister and Sole Appraiser.
- 137-100.01 Change language to reflect hourly system from point system.
- 137-100.02 Update language to reflect Federal requirements. Change language to reflect hourly system.
- 137-100.03 Delete Residential. Change points to percentages. Delete language. Delete Condemnation Partial Acquisition.
- 137-100.04 Change points to hours. Add category for larger residential properties.
- 137-100.05 Change points to hours.
- 137-100.06 Delete Nonresidential. Delete all language. Add co-appraiser language.
- 137-100.07 Remove definition. Add language concerning Appraisal Management Companies.

- 137-200.01 No change.
- 137-200.02 Remove definition. Change points to hours.
- 137-200.03 Remove definitions. Change points to hours.
- 137-200.04 Change log to form approved by the Board.
- 137-300.01 Change points to hours.
- 137-300.02 Remove definition. Renumber. Add in any jurisdiction. Add language stating supervisory appraiser would be in good standing three years after successful completion/termination of sanction. Add prior to the expiration of the current permit.
- 137-400.01 Change punctuation.
- 137-500.01 Remove language stating that continuing education reports submitted after August 31 will be subject to a late fee.
- 137-600.01 No change.
- 137-600.02 Delete.
- 137-600.03 Add private reprimand. Change one thousand to two thousand dollars per violation. Add AMC language. Remove language concerning disciplinary process.
- 137-600.05 Add language for AMC discipline.
- 137-700.01 Delete.
- 137-700.02 Delete.
- 137-700.03 Delete.
- 137-800.01 Add language for AMC.
- 137-800.02 Add language for AMC.
- 137-800.03 Delete.
- 137-800.04 Add language for AMC.
- 137-800.05 Remove language about reinstating licenses within 12 months of lapse. Add language for AMC.
- 137-800.06 No change.
- 137-900.01 No change.
- 137-900.02 No change.
- 137-900.03 No change.
- 137-900.04 No change.
- 137-900.05 Add language for AMC.
- 137-900.06 No change.
- 137-900.07 No change.
- 137-900.08 No change.
- 137-900.09 Add language for AMC.

A Notice of Drafting was published in the *State Register* on July 28, 2017.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 2:00 p.m. on November 21, 2017. Written comments may be directed to Laura Smith, Administrator, Board of Real Estate Appraisers, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., October 23, 2017. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

56 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

These regulations are amended to make necessary updates to comply with Federal requirements, delete sections already appearing in statute, add information pertinent to appraisal management companies, remove fees, clarify existing language, and make editorial changes.

DESCRIPTION OF REGULATION:

Purpose: The board proposes to: amend its regulations relating to appraisal experience, qualifications, appraisal categories, mass appraisals, apprentice and supervisor requirements, temporary practice, continuing education, and disciplinary actions; delete fees; add regulations for AMCs; and make editorial changes.

Legal Authority: 1976 Code Sections 40-60-10(I)(3) and 40-60-360.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation and post the revised regulations on the agency's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulations will make necessary updates to comply with Federal requirements, delete sections already appearing in statute, add information pertinent to appraisal management companies, remove fees, clarify existing language, and make editorial changes.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

The updated regulations will make necessary updates to comply with Federal requirements, delete sections already appearing in statute, add information pertinent to appraisal management companies, remove fees, clarify existing language, and make editorial changes.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4771
DEPARTMENT OF SOCIAL SERVICES
 CHAPTER 114
 Statutory Authority: 1976 Code Sections 43-1-80 and 63-11-30

Preamble:

The Department of Social Services is charged with administering the provisions of the law relating to child welfare agencies and with making and promulgating such rules and regulations relating to licensing standards and other matters as may be necessary to carry out the purposes of the laws relating to child welfare agencies, including group homes and wilderness therapeutic camps for children. The proposed regulations shall establish standards that protect the health, safety, and well-being of children residing at or receiving services through wilderness therapeutic camps.

Notice of Drafting was published in the *State Register* on August 25, 2017.

Section-by-Section Discussion of Proposed Amendments:

- 114-600A – regulation added regarding definitions relating to wilderness therapeutic camps
- 114-600B – regulation added regarding the purpose of licensing wilderness therapeutic camps
- 114-600C – regulation added regarding organization and administration of wilderness therapeutic camps
- 114-600D – regulation added regarding facilities of wilderness therapeutic camps
- 114-600E – regulation added regarding services to children of wilderness therapeutic camps
- 114-600F – regulation added regarding licensing of wilderness therapeutic camps

Notice of Public Hearing and Opportunity for Public Comment:

Address for written comments to be sent: Jacqueline Lowe, Child Placing Agency and Group Home Licensing & Regulatory Services, South Carolina Department of Social Services, P.O. Box 1520, Columbia, SC 29202, no later than 5:00 p.m. on October 23, 2017.

A public hearing has been requested. The public hearing will be held upon the receipt of a request for the public hearing by 1) 25 or more people; 2) a governmental subdivision or agency; or 3) by an association with 25 or more members pursuant to S.C. Code Section 1-23-110(A)(3). The date, time and place of public hearing is Wednesday, November 1, 2017, at 10:00 a.m. at the offices of the Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

The proposed regulations will have no substantial fiscal or economic impact on the State or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State Government due to any inherent requirements of this regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To establish standards that protect the health, safety, and well-being of children residing at or receiving services through wilderness therapeutic camps.

Legal Authority: 1976 Code Sections 43-1-80 and 63-11-30.

58 PROPOSED REGULATIONS

Plan for Implementation: The amendments will take effect upon the approval of the South Carolina General Assembly and publication as final regulations in the *State Register*. A copy of the regulations will be made available electronically on the SCDSS website. The Department will communicate with the affected wilderness therapeutic camps before and after the implementation period regarding the new regulations.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

These regulations are necessary because the existing regulations regarding group homes (S.C. Code of Regulations Section 114-590) are not adequate to address wilderness therapeutic camps for children. These regulations set forth the requirements for wilderness therapeutic camps to be licensed by the Department and enable the Department to enforce health and safety standards for wilderness therapeutic camps. These regulations are necessary to protect the health, safety, and well-being of children residing at or receiving services through wilderness therapeutic camps.

DETERMINATION OF COSTS AND BENEFITS:

There is no anticipated increase in costs to the State or its political subdivisions resulting from these proposed revisions. The standards are significantly similar to those already in effect and applicable to group homes set forth in S.C. Code of Regulations Section 114-590. The proposed amendments will benefit the regulated community and the children they serve by improving the health, safety and quality of wilderness therapeutic camps for children.

UNCERTAINTIES OF ESTIMATES:

There are no anticipated uncertainties of estimates relative to the costs to the state or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The Department anticipates no environmental effect. Public health will be positively affected by the addition of regulations regarding health and safety standards for wilderness therapeutic camps for children.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment. Public health may be detrimentally affected if the regulations are not implemented by failing to enact health and safety standards that specifically address the needs of children in wilderness therapeutic camps.

Statement of Rationale:

These regulations are proposed to enhance and improve the licensing regulations for wilderness therapeutic camps for children. The existing group home regulations set forth in S.C. Code of Regulations Section 114-590 do not adequately address the unique nature of wilderness therapeutic camps. The proposed regulations are intended to fill that void. The proposed regulations shall establish standards that protect the health, safety, and well-being of children residing at or receiving services through wilderness therapeutic camps. The overall purpose of licensing by the South Carolina Department of Social Services is to assure that wilderness therapeutic camps for children provide well rounded programs of care which include adequate protection, supervision and maintenance of children in care; safe wilderness structures and/or physical facilities; and opportunities for appropriate learning experiences which allow for the healthy physical and mental growth of the children in care and are directed toward maximizing the potential of each individual to be well adjusted, independent, and responsible.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

60 EMERGENCY REGULATIONS

Filed: August 30, 2017 9:58am

Document No. 4756
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, and 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 2, it is necessary to file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2017-18

Dove Management Area Regulations: The following fields are open only during the dates and times indicated below. A Wildlife Management Area permit and a Migratory Bird Permit are required for dove hunting on all fields. Fields denoted by an asterisk (*) require hunters to sign in and sign out on all hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts.

Statewide Season Dates:

September 2 - October 14, November 11 - November 25, December 15, 2017 - January 15, 2018

Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 2 – October 14).

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field – Sept. 2 is youth hunt only. Sept. 9 is Wheelin Sportsmen Hunt Only and morning hunting will be allowed for this event. 1st season – Saturdays Only beginning Sept. 16. 2nd and 3rd seasons open Mon. – Sat.

AIKEN

*US Dept of Energy - Crackerneck WMA. 1st season – Sept. 6, 20; Oct. 4.

ANDERSON

Clemson University - Fant's Grove WMA. 1st season - Saturdays only beginning Sept. 2. Field Closed Oct. 7. Open 2nd & 3rd seasons – Saturdays Only.

BERKELEY

*U.S. Army Corps of Engineers - Canal WMA. Sept. 2, 9; Oct. 14; Nov. 18. Sept. 23 is Wounded Warrior Hunt Only -Invitation Only.

*DNR - Bonneau Ferry WMA. Sept. 2, 9, 23. All hunts are Youth Only.

CHARLESTON

DNR Botany Bay Plantation WMA. Sept. 2, 9, Oct. 14, Nov. 11. All hunts are Youth Only.

CHEROKEE

Gaffney Board of Public Works. Open Saturdays only during the statewide dove season beginning Sept. 2. Dove Hunting Only.

CHESTER

U.S. Forest Service - Worthy Bottoms. 1st season - Saturdays Only beginning Sept. 2. 2nd & 3rd seasons - Open Mon. - Sat.

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest - Wilkes Chapel Field. 1st season – Saturdays Only beginning Sept. 2. 2nd & 3rd seasons - Open Mon. – Sat.

SC Forestry Commission – Sand Hills State Forest - Davis Field. 1st season – Opening Day Sept. 2, then Wednesdays Only beginning Sept. 13. 2nd & 3rd seasons – Open Mon. – Sat.

CLARENDON

*Santee Cooper - Santee Dam WMA. Sept. 2, 9, 30; Nov. 25; Dec. 30.

*SC Forestry Commission - Oak Lea WMA. Sept. 2, 6; Jan. 3, 10.

COLLETON

DNR - Donnelley WMA. Sept. 2, 9; Oct. 7; Nov. 11.

DARLINGTON

DeWitt Property. 1st season- Saturdays Only beginning Sept. 2. 2nd & 3rd seasons- Saturdays Only. Dove Hunting Only.

FLORENCE

Santee Cooper – Pee Dee Station Site WMA. 1st season- Saturdays Only beginning Sept. 2. 2nd & 3rd seasons- Saturdays Only. Dove Hunting Only.

GEORGETOWN

DNR Samworth WMA. Sept. 2, 9, 23, Oct. 7, Nov. 18.

HAMPTON

*DNR - Webb Wildlife Center. Sept. 2, 9, 27; Oct. 11; Nov. 18.

LAURENS

DNR Gray Court Field. 1st season- Saturdays Only beginning Sept. 2. 2nd & 3rd seasons open Mon. - Sat.

DNR Cliff Pitts WMA. 1st season- Saturdays Only beginning Sept. 2. 2nd & 3rd seasons open Mon. - Sat.

LEXINGTON

Hallman Field. 1st season- Saturdays Only beginning Sept. 2. 2nd & 3rd seasons- Saturdays Only. Dove Hunting Only.

MARLBORO

DNR - Lake Wallace WMA. 1st season- Saturdays Only beginning Sept. 2. 2nd & 3rd seasons- Saturdays Only. Dove Hunting Only.

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Field. Sept. 2 & 20; Oct. 4; Nov. 22, Dec. 20; Jan. 10; Dove Hunting Only. Hunters must sign-in & out at 1009 McIntosh Rd.

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U.S. Army Corps of Engineers – Parksville Field. 1st season – Saturdays Only beginning Sept. 2. 2nd & 3rd seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Field. 1st season – Saturdays Only beginning Sept. 2. 2nd & 3rd seasons – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field. Open Saturdays only during the statewide dove season beginning Sept. 2. Dove Hunting Only.

DNR Belfast WMA. Sept. 2, 9; Nov. 23, 24, 25. 3rd season - Open Mon. - Sat.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center. 1st and 2nd seasons - Saturdays Only beginning Sept 2. 3rd season – Closed.

U.S. Forest Service – Long Creek Tract. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. In order to hunt, adults must have 1 or 2 youth age 17 or younger. 1st season – Saturdays Only Beginning Sept. 2. 2nd season – Open November 18 Only. 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field. Saturdays Only during statewide dove season beginning Sept. 2.

ORANGEBURG

*Santee Cooper - Santee Cooper WMA. Entire WMA under Dove Area Regulations. Sept. 2 is Youth Hunt Only. Sept. 9, 30; Nov. 18; Dec. 30.

PICKENS

DNR Property-Rifle Range. Open Saturdays only during the statewide dove season beginning Sept. 2. Dove Hunting Only.

Clemson University - Gravelly WMA - Causey Tract. Saturdays Only during statewide dove season beginning Sept. 2.

DNR Property – Jocassee Gorges – Cane Creek Field. Open Wednesdays only during the statewide dove season beginning Sept. 13.

SALUDA

SCE&G Saluda River Field. 1st season - Saturdays Only beginning Sept 2. 2nd & 3rd seasons - Open Mon. - Sat.

SPARTANBURG

Santee Cooper. 1st season – Sept. 2, 9, 16, 23. 2nd & 3rd seasons – Open Mon. – Sat.

Spartanburg Co Parks Dept - Cherokee Springs Field. Saturdays Only beginning Sept 2. Dove hunting only.

SUMTER

*S.C. Forestry Commission - Manchester State Forest

Bland Field I. Sept. 2 is Youth Hunt Only. 1st season - Saturdays Only beginning Sept. 9. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field A –1st season – Saturdays Only beginning Sept. 2. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

*Tuomey Fields Field B – 1st season – Saturdays Only beginning Sept 2. 2nd & 3rd seasons open Mon. – Sat. (Designated fields and the general forest).

UNION

DNR Thurmond Tract. 1st season – Saturdays Only beginning Sept. 2. 2nd & 3rd seasons open Mon. – Sat.

U.S. Forest Service - Sedalia. Sept. 2 is Youth Only. 1st season – Saturdays Only beginning Sept. 9. 2nd & 3rd seasons - Open Mon. - Sat.

U.S. Forest Service - Herbert Field. 1st season - Saturdays Only beginning Sept. 2. 2nd & 3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract. 1st season – Saturdays Only beginning Sept. 2. 2nd & 3rd seasons Open Mon. - Sat.

York County – Worth Mountain WMA. 1st season – Saturdays Only beginning Sept. 2. 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 15 years of age and younger. Youths 16 & 17 years of age may participate in the hunt with or without an accompanying adult. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults must remain in the field and closely supervise participating youth at all times. (3) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 15 birds. Pre-registration is no longer required for youth only hunts.

ABBEVILLE COUNTY YOUTH HUNT

U.S. Forest Service - Power of Partnerships Field, September 2. No pre-registration required.

BERKELEY COUNTY YOUTH HUNT

Bonneau Ferry WMA - September 2, 9, 23. No pre-registration required.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA - September 2, 9; Oct. 14; Nov. 11. No pre-registration required.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper - Santee Cooper WMA. September 2. No pre-registration required.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest Bland Tract Field 1 near Wedgefield - September 2. No pre-registration required.

UNION COUNTY YOUTH HUNT

U.S. Forest Service Sedalia Field - September 2. No pre-registration required.

YORK COUNTY YOUTH HUNT

DNR Draper WMA - September 2. No pre-registration required.

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Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because these hunts begin on September 2, it is necessary to file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, local economies should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.